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August 28, 2017

Honorable Denis R. Hurley, U.S.D.J.
U.S. District Court, Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Potente, et al. v. Capital One, N.A., et al.*
Civil Action No. 2:16-cv-03570-DRH-AYS

Dear Judge Hurley:

I represent Ralph Potente and Richard Jankura, the plaintiffs in the within action.

I am writing to request a thirty (30) day extension of the deadlines set forth in the Order and revised Briefing Schedule issued by the Court on July 17, 2017. .

Specifically, on June 22, 2017, this Court entered an Order granting Defendants' request for a pre-motion conference and leave to file a Motion to Dismiss the Complaint of Plaintiffs Ralph G. Potente and Richard J. Jankura ("Plaintiffs"). The Court's Order waived the conference and set the following briefing schedule for the proposed Motion:

- July 19, 2017 - Deadline for Defendants to serve moving papers;
- August 16, 2017 - Deadline for Plaintiff to serve opposing papers; and
- September 1, 2017 - Deadline for Defendants to serve reply papers and file all papers with the Court.

Thereafter, on July 14, 2017, Defendants requested that the above deadlines be continued by a period of fourteen (14) days, such that the governing briefing schedule for the forthcoming Motion would be as follows:

- August 2, 2017 - Deadline for Defendants to serve moving papers;
- August 30, 2017 - Deadline for Plaintiff to serve opposing papers; and
- September 15, 2017 - Deadline for Defendants to serve reply papers and file all papers with the Court.

By this letter, Defendants respectfully request that the above deadlines be continued by a period of 39 days, such that the governing briefing schedule for

the forthcoming Motion would be as follows:

- October 3, 2017 - Deadline for Plaintiff to serve opposing papers; and
- October 24, 2017 - Deadline for Defendants to serve reply papers and file all papers with the Court.

I have contacted counsel for Defendants, Rachel Cash, Esq. of Burr & Forman via telephone today regarding the requested extension and she has consented to the above extension and revised Briefing Schedule.

No prior request for extension or adjournment has been made in this case, except for the above request by the defendants on July 14, 2017, which request was granted by the Court. The present request is sought in good faith.

Accordingly, Plaintiffs respectfully request the Court enter an Order extending the briefing deadlines set forth in the Court's July 17, 2017 Order until October 24, 2017, as set forth above.

We appreciate your time and consideration of this matter. Should you have any questions or need additional information, please do not hesitate to contact us.

Thank you.

Respectfully,

STEPHEN C. SILVERBERG, PLLC

Stephen C. Silverberg
Stephen C. Silverberg

cc:

Rachel Cash, Esq. (*Via ECF*)
Rik. S. Tozzi, Esq. (*Via ECF*)
Jordan J. Manfro, Esq. (*Via ECF*)